

**RECEIVED
CENTRAL FAX CENTER**

FEB 10 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)	
)	
Applicants: Bret A. Lowensohn et al.)	
)	Examiner
Serial No. 10/058,233)	Venkatanarayanan Perungavoor
)	
Filed: January 25, 2003)	Art Unit 2132
)	
Title: Portable Wireless Access for)	
Computer-Based Systems)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**FAX TRANSMISSION COVER LETTER
- 6 SHEETS TOTAL -**

The attached RESPONSE is being transmitted via facsimile to the central facsimile number of United States Patent and Trademark Office, (571) 273-8300, on February 10, 2006.

Respectfully submitted,



Dated: February 10, 2006

Charles G. Call, Reg. 20,406
USPTO Customer No. 021253
1161 Marlin Ct.
Marco Island, FL 34145
Fax: (508) 629-6540

**RECEIVED
CENTRAL FAX CENTER****FEB 10 2006****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of)	
)	
Applicants: Bret A. Lowensohn et al.)	
)	Examiner
Serial No. 10/058,233)	Venkatanarayanan Perung
)	
Filed: January 25, 2003)	Art Unit 2132
)	
Title: Portable Wireless Access for)	
Computer-Based Systems)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE**Status of this application**

In the Office Action mailed on February 2, 2006, Claims 90-94, 98-101 and 103-108 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,883,576 issued to De La Huerga (hereinafter "De La Huerga"). Claims 95-97, 102 and 109 were rejected under 35 U.S.C. 103(a) as being unpatentable over De La Huerga in view of U.S. Application Publication 2002/0129285 A1 filed by Kuwata et al.(hereinafter "Kuwata").

Reconsideration is requested because De La Huerga does not disclose or suggest the invention set forth in independent claim 1, nor does that reference disclose or suggest further features recited in numerous dependent claims. In addition, the cited Kuwata published application is not prior art under Section 102(e) because its effective filing date is subsequent to the date of invention established by applicants' previously filed Rule 131 declaration and supporting exhibits.

De La Huerga does not disclose the invention

Applicant's invention, as set forth in independent claim 90 and in the remaining dependent claims, detects the identity and location of a person who wears a portable communication unit that includes both a radio device and an infrared device. A base station detects the presence of the radio device when it is within radio range of the base station and further detects the presence of the infrared device when it is within line of sight range of the base station.

As explained in applicants' specification, improved performance is obtained by using both radio range detection and line of sight infrared detection. The radio link may be used to detect the presence of the person and to begin the preliminary stages of a login process. The additional use of infrared line of sight detection insures that the security of the system is not compromised unless the user actually desires to access the terminal by establishing the infrared line of sight link which also helps avoid unwanted multiple accesses when more than one person is within the wider radio range of the base station.

As the Examiner has noted, De La Huerga, at col. 4, lines 14-43, describes prior art body worn devices that communicate with an external base station using a radio link. Contrary to the Examiner's suggestion, the cited passage in De La Huerga at col. 2, line 65 to col. 3, line 17 describes capturing barcode information printed on a body worn bracelet, and not a radio or infrared detection mechanism.

As the Examiner has noted, De La Huerga, at col.10, lines 11-40, and at col.13, lines 41-44, describes establishing of an infrared communication link between a body worn bracelet and a hand held device (HHD). At col. 15, lines 5-12, De La Huerga observes that *"while the invention has been described as one using infrared transponders, other types of transponders (e.g. rf transponders) could be used."*

Thus, De La Huerga teaches that either infrared or radio transponders may be used, but nowhere discloses or suggests that both be used in combination on the same device as claimed.

It accordingly submitted that De La Huerga does not anticipate independent claim 90 or the remaining claims 91-109, all of which require the use of both radio range detection and

infrared line of sight detection. All of the rejections of the pending claims based on De La Huerga should accordingly be withdrawn.

Additional comments on the dependent claims

Regarding claim 91-93 and 110-115, De La Huerga discloses attaching a body worn bracelet so that it can't be removed without destroying the bracelet at col. 9, lines 41-51, and further at col. 14, lines 4-15, De La Huerga discloses disabling the memory unit of the body worn device if one attempts to remove it from the body. De La Huerga does not, however, described transmitting a signal to the base station in response to the removal of the body worn unit from the body as set forth in dependent claims 93, 111 and 114-115.

Regarding claim 98 and 99, the Examiner suggests that De La Huerga discloses the audible alarm that is activated in response to the removal of communications unit, citing col. 11, lines 54-65. While that passage does describe an indicator device 428 which can be an audible alarm, the indicator described by De La Huerga is used to indicate when signals are being transmitted or received, but there is no disclosure or suggestion of an audible alarm that is sounded in response to the removal of the communications unit from the body as set forth in claims 98 and 99.

Regarding claim 100, the Examiner suggests that De La Huerga discloses the use of passwords at col. 12, lines 16-24. That cited passage describes how the patient identification information stored on the body worn device is compared with patient identification information in the host system and halts the procedure if no match is found. Claim 100 requires the storage of a password on the body worn device that is known to the person carrying the device, and comparing that stored password with a user-supplied password to confirm the identity of the person. De La Huerga does not disclose storing a password known to the user and comparing that stored password with a user-supplied password as set forth in claim 100.

Regarding Claim 107, the Examiner suggests that Huerga discloses communication between a base station and first and second radio devices "using radio or infrared or both," citing col. 10, lines 22-30 and col. 13, lines 41-44. As noted above with respect to independent claim 90, De La Huerga does disclose using radio or infrared communication, but does not disclose using both as claimed. The cited passage at col. 10, lines 22-30 describes infrared transmission, and the passage at col. 13, lines 41-44 describes the arrangement shown in Fig. 13 in which

multiple fiber optic pickup devices can be used to receive an infrared signal, regardless of the orientation of the bracelet. As noted earlier, at col. 15, lines 5-12, De La Huerger states that *"while the invention has been described as one using infrared transponders, other types of transponders (e.g. rf transponders) could be used."* Nothing in De La Huerger discloses or suggests communications using both a radio link and an infrared link as set forth in claim 107.

The obviousness rejections

Claims 95-97, 102 and 109, were rejected under 35 U.S.C. 103(a) as being unpatentable over De La Huerger in view of Application Publication 2002/0129285 filed by Kuwata.

It is noted that the Kuwata application was filed on December 4, 2001 based on a provisional application filed on March 8, 2001. The Rule 131 declaration previously filed, and the accompanying exhibits, establish an effective invention date for the subject matter claimed by applicants prior to the March 8, 2001 provisional filing date of Kuwata. As a consequence, the obviousness rejection based on the combination of Kuwata and De La Huerger should be withdrawn.

It should be further noted, however, the applicants do not contend that fingerprint or iris scanning for identification is, by itself, novel. It is submitted, however, that using biometric identification to identify the person before storing identification data in the memory device carried by that person as set forth in claims 95-97, 102 and 109 is not suggested by De La Huerger. The mere fact that biometric identification techniques were known would not make it obvious to modify the De La Huerger system to use such identification devices in the manner claimed by applicant.

The Examiner suggests that De La Huerger "discloses the comparing of biometric information with the stored information" at col. 12, lines 16-24. But that passage says nothing about using a biometric sensor for obtaining biometric data from the body of the person and then comparing that sensed biometric data with stored biometric data to verify the identity of the person as claimed. Instead, the cited passage at col. 12 describes comparing patient identification information (e.g., a patient name and identification number as noted at col. 6, line 42), but does not suggest the use of biometric identification of the person before the device that person is carried is loaded with identification information.

Accordingly, there is no basis for concluding that De La Huerga suggests the use of biometric testing in the manner set forth in claims 95-97, 102 and 109, even given the fact that biometric identification techniques *per se* were known at the time.

Conclusion

De La Huerga does not disclose the subject matter set forth in the single independent claim 1, nor does it disclose or suggest the subject matter further set forth in dependent claims 93, 98-100, 107 and 114-115. The rejection of dependent claims 95-97, 102 and 109, as being directed to subject matter deemed to be obvious in view of De La Huerga and Kuwata should be withdrawn because Kuwata is not prior art, as established by the previously filed Rule 131 declaration, and because De La Huerga does not suggest biometric identification prior to storing identification data on the body worn device as claimed.

This application is accordingly believed to be in condition for allowance.

Respectfully submitted,



Dated: February 10, 2006

Charles G. Call, Reg. 20,406

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this *Response* is being transmitted by facsimile to the central facsimile number of the U.S. Patent and Trademark Office, (703) 872-9306, on February 10, 2006.



Dated: February 10, 2006

Signature

Charles G. Call, Reg. No. 20,406
USPTO Customer No. 021253
1161 Marlin Ct.
Marco Island, FL 34145
Ph. (617) 820-5227 - Fax (508) 629-6540
call@patentsoft.com